

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cheyanne Ralph	Team: Squad #2	CCRB Case #: 201710502	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 12/21/2017 9:40 AM	Location of Incident: West 14th Street and 6th Avenue	Precinct: 06	18 Mo. SOL 6/21/2019	EO SOL 6/21/2019	
Date/Time CV Reported Thu, 12/21/2017 10:00 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 12/21/2017 10:00 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Edan Crespo	12927	940031	006 PCT
2. CPT Robert Ohare	00000	916960	006 PCT
3. DTS Brian Glacken	07777	922423	ESS 01

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT1 Peter Quinn	01574	891953	ESS 01
2. POM Kevin Mulcahy	14834	898135	006 PCT
3. SGT Timothy Shortell	03703	954335	006 PCT
4. LT John Seidl	00000	902393	006 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Brian Glacken	Force: Det. Brian Galcken hit § 87(2)(b) against a vehicle.	
B.CPT Robert Ohare	Force: Captain Robert Ohare hit § 87(2)(b) against a vehicle.	
C.POM Edan Crespo	Force: Police Officer Edan Crepo hit § 87(2)(b) against a vehicle.	

### Case Summary

On December 21, 2017, § 87(2)(b) filed this complaint online with the Civilian Complaint Review Board (CCRB).

On December 21, 2017, at approximately 9:40 a.m., at 6th Avenue and West 14<sup>th</sup> Street in Manhattan, Police Officer Edan Crespo of the 6<sup>th</sup> Precinct arrested § 87(2)(b). As he was being walked to a police vehicle, Detective Brian Glacken of Emergency Service Unit, Captain Robert Ohare of the 6<sup>th</sup> Precinct and Police Officer Crespo allegedly hit § 87(2)(b) against the vehicle (**Allegations A, B, and C: Force;** § 87(2)(g)). § 87(2)(b) was charged with § 87(2)(b) (Board Review 01).

No video footage was found for this incident.

### Findings and Recommendations

**Allegation (A) Force: Detective Brian Glacken hit § 87(2)(b) against a vehicle.**

**Allegation (B) Force: Captain Robert Ohare hit § 87(2)(b) against a vehicle.**

**Allegation (C) Force: Police Officer Edan Crespo hit § 87(2)(b) against a vehicle.**

§ 87(2)(b) provided a telephone statement to the CCRB on January 5, 2018 (Board Review 02), and was interviewed at a Starbucks Café located at 74 7<sup>th</sup> Avenue, in Manhattan on January 12, 2018. She provided a follow-up telephone statement on January 27, 2017 (Board Review 03). Police Officer Crespo was interviewed at the CCRB on February 22, 2018. Captain Ohare was interviewed at the CCRB on May 18, 2018, and Detective Glacken and Detective Quinn were interviewed at the CCRB on July 10, 2018. The investigation was unable to find and obtain a statement from § 87(2)(b) despite extensive attempts to reach he and his attorney (Board Review 15).

While it is undisputed that § 87(2)(b)'s head struck the window of a police vehicle, it is in dispute whether Detective Glacken, Captain Robert Ohare, and Police Officer Crespo hit § 87(2)(b) against the vehicle or whether he did so himself.

§ 87(2)(b) stated that she was standing on the opposite side of 6th Avenue and West 14th Street when she observed three officers who appeared to be placing a male, identified by the CCRB as § 87(2)(b) under arrest beside a police vehicle. She then observed the officers appear to forcibly push § 87(2)(b)'s head into the right rear passenger door of a marked patrol vehicle once. At the time of the push, § 87(2)(b) was standing upright, facing the vehicle, with a small hunch in his back. The push appeared to be a "group effort" as § 87(2)(b) observed all of the officers' hands on § 87(2)(b)'s head as it was pushed. § 87(2)(b) observed this interaction for approximately 20 seconds.

Detective Glacken stated that he was with Detective Quinn when they saw Police Officer Crespo with a female who alleged that § 87(2)(b) sexually touched her. § 87(2)(b) was placed into custody and escorted to the corner of West 14<sup>th</sup> Street and 6<sup>th</sup> Avenue by Detective

Glacken and Police Officer Crespo. Captain Ohare and then a marked patrol SUV arrived on scene shortly thereafter.

When the vehicle arrived, Captain Ohare stood § 87(2)(b) up from the ground. § 87(2)(b) appeared to become agitated at that time and started yelling and moving his body. Detective Glacken, in response, grabbed § 87(2)(b)'s left elbow area to try to calm him down and assisted Captain Ohare in walking § 87(2)(b) to the marked vehicle. When they got closer to the vehicle, Captain Ohare placed his hand behind § 87(2)(b)'s head to guide him down into the vehicle. § 87(2)(b) in response, shifted his body six to seven inches and, without warning, hit his head against the window behind the rear passenger door twice, causing it to break. Detective Glacken did not see Captain Ohare push § 87(2)(b)'s head into the window of the SUV and could not recall if Captain Ohare's hand was still on § 87(2)(b)'s head when he hit his head against the window and denied making any contact with § 87(2)(b)'s head himself.

Captain Ohare, Police Officer Crespo, and Detective Quinn all stated consistently that § 87(2)(b) struck his own head against the window of the marked SUV twice and denied that Captain Ohare or any other officer had their hand on § 87(2)(b)'s head at any point.

The Investigating Supervisor's Assessment Report (TRI-ISAR) #§ 87(2)(b), prepared by Captain Ohare, states that as he and Detective Glacken walked § 87(2)(b) a few steps towards marked RMP #4055/17, § 87(2)(b) quickly and intentionally struck his forehead two times on the rear passenger side cargo window of the vehicle, causing the glass to crack and break. § 87(2)(b) then began to violently pull away. § 87(2)(b) was not injured as a result but was transported to § 87(2)(b) for a physical and physiological examination. § 87(2)(b) also appeared to be under the influence of drugs due to his incoherent statement, foaming at the mouth and the fact that he was profusely sweating (Board Review 13). § 87(2)(b) § 87(2)(a)

The Medical Treatment of Prisoner Report prepared for § 87(2)(b) notes that § 87(2)(b) requested medical attention for psychiatric treatment and an old bruise. He was psychiatrically stable for arraignment with no acute intervention required for a left axillary wound, which appeared to be well-healed. § 87(2)(b) was not admitted to the hospital, and was not transferred to the psychiatric hospital (Board Review 14).

Five black and white photographs were attached to Property Voucher #§ 87(2)(b) (Board Review 16). These photographs depicted an RMP window with shattered glass, and § 87(2)(b) in a seated position on the ground. No cuts or apparent bruises are observed on § 87(2)(b)'s face.

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) (Board Review 08) and § 87(2)(b) (Board Review 09) have been a party.
- Detective Glacken has been a member of service for 19 years and this is his first CCRB complaint to which he has been a subject.
- Captain Ohare has been a member of service for 23 years and has been a subject in five CCRB complaints and nine allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Crespo has been a member-of-service for 12 years and has been a subject in one CCRB complaint with one allegation which was not substantiated. § 87(2)(g)

### **Mediation, Civil and Criminal Histories**

- On March 22, 2018, this case was sent to the Mediation Unit on May 1, 2018, the case was returned to investigation after the subject officers rejected mediation.
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- As of August 13, 2018, neither § 87(2)(b) nor § 87(2)(b) has filed a Notice of Claim with the City of New York regarding this incident (Board Review 12).

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Squad No.: \_\_02\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date

